

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 11/13/02 Item No. 3.e.	
	File Number CP 01-103	
	Application Type Conditional Use Permit	
	Council District 3	
	Planning Area Central	
	Assessor's Parcel Number(s) 477-06-046, -049	
PROJECT DESCRIPTION		
Completed by: Akoni Danielsen		
Location: Northeast corner of East Alma Avenue and Alma Court (123 East Alma Street)		
Gross Acreage: 2.46 Net Acreage: 2.46 Net Density: n/a		
Existing Zoning: HI Heavy Industrial Existing Use: vacant warehouse		
Proposed Zoning: No Change Proposed Use: Church/Religious Assembly with up to 700 seats		
GENERAL PLAN		
Completed by: AD		
Land Use/Transportation Diagram Designation Heavy Industrial with Mixed Industrial Overlay		Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: AD		
North:	light industrial/warehouse	HI Heavy Industrial
East:	light industrial warehouse	HI Heavy Industrial
South:	lumber materials sales	HI Heavy Industrial
West:	warehouse and restaurant	HI Heavy Industrial, CN Commercial
ENVIRONMENTAL STATUS		
Completed by: AD		
<input type="checkbox"/> Environmental Impact Report found complete <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on		<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		
Completed by: AD		
Annexation Title: Original City		Date: March 27, 1850
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial <input type="checkbox"/> Uphold Director's Decision		Date: _____ Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation
APPLICANT / DEVELOPER /	OWNER	Owner
Central Apostolic Church ATTN: Pastor Ishmael Arellano 77 North 5 th Street San Jose, CA 95112	The Hau Family 1983 Trust ATTN: Dr. Benny Hau, Trustee 980 Oxford Drive Los Altos, CA 94024	Union Pacific Railroad Company c/o Lisa L. Burnside 1800 Farnam Street Omaha, Nebraska 68102

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AD

Department of Public Works

See Conditions of Approval.

Other Departments and Agencies

See Conditions of Approval.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The Central Apostolic Church, currently located at 77 North 5th Street, is requesting a Conditional Use Permit (CUP) to allow the conversion of a vacant 23,313 square foot warehouse located at the northeast corner of East Alma Avenue and Alma Court to a church use with up to 700 seats. The subject site is 2.46 acres and is in the HI Heavy Industrial Zoning District. The project involves the reconfiguration of existing interior space without expansion of the building footprint. Site improvements consist of paving adjacent excess railroad right-of-way for additional parking stalls, and associated outdoor lighting, fencing, and landscaping. This Permit will also serve as a Site Development Permit for the site improvements.

The church is being relocated from its current location near Downtown to accommodate a public multi-story parking structure associated with the planned Civic Plaza Redevelopment Project. The church must vacate their current address in spring 2003, and has been seeking a new location. Relocation assistance is being provided by the Redevelopment Agency.

Surrounding land uses include warehouses and residential uses to the north, abandoned railroad tracks and industrial uses to the east, a lumber materials sales business to the south across Alma Avenue, and warehouses and commercial uses to the west along the Monterey Highway Corridor.

PUBLIC OUTREACH

Notices of the Planning Commission public hearing were mailed to all owners and tenants of property within a 500-foot radius of the project site. Staff has been available to discuss the project with members of the public. Additionally, the applicant has contacted adjacent property owners to introduce the proposal. The church also hosted two 'open house' events at the site; however no one attended.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15322 (In-Fill Development) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

This determination is made pursuant to CEQA in light of the following considerations:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

In conclusion, staff believes the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The site has a General Plan Land Use/Transportation Diagram designation of Heavy Industrial with Mixed Industrial Overlay. Areas with this overlay designation, such as the subject site, contain or are surrounded by an existing mix of uses, so that additional non-industrial uses would not compromise the integrity of areas reserved exclusively for industrial uses. Examples of non-industrial uses include, but are not limited to, primary or secondary schools, hotels and motels, nightclubs, churches, free standing daycare centers, big box retailers, large gymnasiums, sports or arts instruction facilities, and hospitals. New uses within the overlay area should be considered secondary when land use compatibility issues occur. The proposed church is in keeping with the Mixed Industrial Overlay. As part of the 2001 General Plan Annual Review, the City Council considered a proposal to eliminate the Mixed Industrial Overlay from the industrial area along Alma Avenue, but ultimately retained the Overlay, allowing for the proposed church, which was already in process.

ANALYSIS

The primary issue is conformance to the Church Location Policy (Policy attached).

The relevant Policy issues include the church's location, future expansion, parking and access, scheduling of events, and land use compatibility.

Church Location

A number of potential relocation sites were considered within the Downtown area and in outlying areas of San Jose. As most church members live within the Downtown area and eastern and central area of the City, there was a strong preference by the church to remain near the core of San Jose. The church considered sites with existing structures, and vacant sites on which a new church could be built. Each potential relocation site presented different issues for the church, ranging from General Plan and Zoning Code restrictions, to neighborhood incompatibility, and to cost. Some sites were simply too small, and could not accommodate expected growth in the church's congregation.

The chosen site was deemed acceptable by the church because it met its needs, in light of the relocation timeline and budget, and by City staff on the basis the General Plan and Zoning Code allow for a church at that location, consistent with the Church Location Policy. The new church remains within a short distance of Downtown, has good visibility from Alma Avenue, is easily accessible from Monterey Highway and other regional routes, and can provide ample parking. With interior modification, the structure can meet the church's current spaces needs, and can accommodate expected growth in the church's congregation from the current 400 members to up to 700 members in the future.

Access and Parking

The facility is accessed from a driveway on East Alma Avenue, an arterial street, and from two driveways on Alma Court, which are sufficient to allow smooth on-site circulation and access to parking during large church events.

The proposed church use with up to 700 seats requires 175 parking spaces (one space per four seats), and 208 on-site parking spaces are provided, or nearly 20% beyond that required. Vacant excess railroad right-of-way will be incorporated into the project site and developed with a paved surface parking lot to support the church use. The excess railroad right-of-way currently is unfenced and attracts illegal dumping of trash and other litter, contributing visual blight to the surrounding area. In addition to paving adjacent excess railroad right-of-way for additional parking stalls, site improvements consist of outdoor lighting, fencing, and landscaping associated with the new parking area.

To minimize the potential for parking impacts on surrounding properties on Alma Court, the draft Permit includes a condition requiring the church to post no parking/tow away signs as shown on the plan set and to patrol the adjacent parking lots to redirect any church patrons who may consider parking, or may have parked, improperly to the appropriate church parking lot. Patrols would occur the first three months of the church's use of the site, and annually around Easter and Christmas, and for any other church event expected to draw more than 150 patrons.

Operation/Event Schedule

The current and proposed schedule of church events consists of regular services and bible study Wednesday from 7:30-9:30 P.M., Sunday from 10:00-11:30 A.M. and Sunday afternoon from 2:30-5:30 P.M. as well as occasional events such as wedding ceremonies, funeral services, and other religious events. These events at the new site will be attended by a maximum of 700 patrons. Additionally, there are additional functions, including meetings, luncheons, and other services at other times and days of the week that would be attended by a reduced number of patrons. These smaller events typically occur at off-peak hours, so they would not conflict with workday commute times and the normal business hours of surrounding commercial and industrial uses. The church will also conduct its administrative activities during business hours at the site. The church anticipates establishing a fellowship room with kitchen facilities and classrooms, as depicted on the plan set.

The proposed church does not currently plan or propose a day care facility. A subsequent request for a day care facility would require an application for a Conditional Use Permit.

Land Use Compatibility

The land uses in the vicinity are a mix of industrial, commercial, and residential, and the introduction of the church should not substantially change the heterogeneous character of the area. Surrounding industrial land uses are subject to the performance standards of the HI Heavy Industrial Zoning District, as found in Title 20, City of San Jose's Zoning Code, including standards related to noise, fumes, and dust. The industrial land uses on Alma Court and Alma Avenue must already manage their operations to respect the residential neighborhood to the north and the commercial uses along Monterey Highway. As mentioned above, church events would typically occur at off-peak hours to minimize conflicts with nearby industrial uses.

Conclusion

Based on the above analysis, staff concludes that the proposed project as conditioned in the Draft Permit is consistent with the Church Location Policy and will be compatible with the existing neighborhood.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Heavy Industrial with Mixed Industrial Overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The subject site is 2.46 acres and is located in the HI Heavy Industrial Zoning District.

3. The proposed project complies with all applicable provisions of the Zoning Ordinance.
4. This permit would allow for the conversion of an existing 23,313 square foot light industrial/warehouse building to a church/religious assembly facility for up to 700 patrons and ancillary uses.
5. The facility is accessed from East Alma Avenue, an Arterial Street, and from Alma Court.
6. Surrounding land uses include light industrial/warehouses and residential uses to the north, abandoned railroad tracks and industrial uses to the east, a lumber materials sales business to the south across Alma Avenue, and light industrial/warehouses and commercial uses to the west along the Monterey Highway Corridor.
7. The proposed church use requires 175 parking spaces and 208 parking spaces are provided. No parking/tow zone signs will be posted by the Church to deter off-site parking.
8. For any church event expected to draw more than 150 patrons, the applicant shall direct church staff or volunteers to patrol, with the property owners' consent, the adjacent parking lots on Alma Court to prevent church patrons from parking illegally on non-church owned property. The patrols shall be made for the first 3 months of church operation, and thereafter annually the two weeks before and after Easter and Christmas, and for any other large church event.
9. Vacant excess railroad right-of-way will be incorporated into the project site and developed with a paved surface parking lot to support the church use. An easement shall be recorded to guarantee the church's exclusive access to the parking. The required parking will be available to the church as long as it occupies the site, unless and until sufficient alternate parking is secured pursuant to the requirements of Title 20. In the event the church and parking parcels are owned by a common interest, the property owner will record an approved Lot Line Adjustment to legally combine the lots.
10. The excess railroad right-of-way currently is unfenced and attracts illegal dumping of trash and other litter, contributing visual blight to the surrounding area.
11. Site improvements consist of paving adjacent excess railroad right-of-way for additional parking stalls, and associated outdoor lighting, fencing, and landscaping.
12. The project was found to be exempt from further environmental review under the provisions of Section 15332 of CEQA.
13. The project site is an existing developed parcel with no natural habitat value. No wildlife are known to inhabit the site or are expected to be impacted by the proposed conversion of the light industrial/warehouse building to church use.
14. No trees would be impacted by the project.

15. The project site is not located within the Airport Land Use Commission referral boundary.
16. The site is not listed on any local, State, or Federal hazardous materials sites list. The project will not use, store, or transport any hazardous materials.
17. Surrounding industrial land uses are subject to the performance standards of the HI Heavy Industrial Zoning District, as found in Title 20, City of San Jose's Zoning Code.
18. All public utilities are available to serve the site.
19. The project is expected to generate traffic during non-commute times and therefore will not add trips to the local transportation system during the AM and PM peak hour traffic periods. The existing transportation system is adequate to accommodate project-generated traffic in conformance with the City of San Jose Transportation Level of Service Policy.
20. The schedule of church events consists of regular services and religious study at night on weekdays and on weekend days, as well as occasional events such as wedding ceremonies, funeral services and other religious events during non-peak traffic periods. Wednesday from 7:30-9:30 P.M., Sunday from 10:00-11:30 A.M. and Sunday afternoon from 2:30-5:30 P.M. These events would be attended by a maximum of 700 patrons. Additionally, there are anticipated to be additional functions, including meetings, luncheons, and other services at other times and days of the week that would be attended by a reduced number of patrons. These events would typically occur at off-peak hours, so as not to conflict with workday commute times and the normal business hours of surrounding commercial and industrial uses. The church will also conduct its administrative activities during business hours.
21. The proposed church does not currently plan or propose a day care facility. A subsequent request for a day care facility would require a Conditional Use Permit.
22. The church currently exists at 77 North 5th Street, and is being relocated to accommodate the planned Civic Plaza Redevelopment Project, including new City of San Jose City Hall Project. The current church site is planned for a public parking garage to support the new civic center area.
23. There will be no expansion of the light industrial/warehouse building proposed for conversion with this Permit. Interior space will be reconfigured to accommodate the church use.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.

3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed project as conditioned complies with the applicable criteria of the Church Location Policy.
5. The proposed use, as conditioned, is compatible with the surrounding neighborhood.
6. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in Chapter 20.90.
7. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use
8. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.
2. **Site Development Permit.** This permit fulfills the requirement for a Site Development Permit.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

2. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Apostolic Assembly 121-123 E. Alma Avenue," dated November 6, 2002, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 24).
3. **Nuisance.** This use shall be operated in a manner, which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
4. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
5. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San Jose Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San Jose Landscape and Irrigation Guidelines.
6. **Certification.** Pursuant to San Jose Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
7. **Lighting.** On-site lighting shall use low-pressure sodium, cut-off type fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. Electroliers shall not exceed **20** feet above grade. High-pressure sodium lighting is allowed as bollard-type pedestrian lighting within the parking lot. Such lighting must be fully shielded and turned off within one hour of completion of church activity, or 10:00 p.m., whichever is later.
8. **Refuse.** All trash areas shall be effectively screened from view, covered and maintained in an orderly state. Trash areas shall be maintained in a manner to discourage illegal dumping.
9. **Outdoor Storage.** No outdoor storage is allowed/permitted unless designated on the approved plan set.
10. **Tree Removals.** No tree larger than 56 inches in circumference, at a height 24 inches above the natural grade slope, may be removed without a Tree Removal Permit issued by the Director of Planning.
11. **Utilities.** All new on-site telephone and electrical service facilities shall be placed underground.
12. **Colors and Materials.** All building colors and materials are to be specified on the approved plan set.

13. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-15655) to the satisfaction of the Director of Public Works:
- a. *Storm Drainage, Sewer Fees.* Storm drainage area fees, sanitary sewer connection fees and sewage treatment plant fees are due, less previous credits.
 - b. *Grading Permit.* A grading permit is required. An erosion control plan may be required with the grading application. Finished floor elevations must be one foot higher than overland release elevation.
 - c. *Electrical.* Locate and protect any existing electrical conduit in the area of sidewalk construction. Painting and renumbering of existing electroliers along the project frontage may be required. Replacement of existing HPS luminaires in electroliers along project frontage with LPS luminaires may be required.
 - d. *Landscape:* Install street trees in cut-outs at the back of curb within the public right-of-way along the entire street frontage per City standards. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - e. *Street Improvements.* Applicant shall be responsible for the following improvements:
 - 1. Remove and replace broken or uplifted sidewalk along project frontage. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans.
 - 2. Construct curb, gutter, sidewalk along Alma Avenue frontage between limits of existing sidewalk. I
 - 3. f vehicular access is required to the area covered by the railroad easement, construct a driveway east of the proposed parking lot. Proposed driveway width to be 26' maximum.
 - 4. Dedicate P.S.E. along Alma Avenue frontage.
 - 5. Remove and replace handicap ramps (2) at opposite returns across Alma Court. Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.

- f. *Minor Improvement Permit*: The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes plans, insurance, bonds/deposit certificate, and engineering and inspection fees.
14. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans*. This permit file number, CP 01-11-103, shall be printed on all construction plans submitted to the Building Division.
 - b. *Emergency Address Card*. The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
15. **Archaeology.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
16. **Fire Flow.** Required fire flow for the site is 3,000 gpm, or as otherwise approved in writing by the Fire Chief.
17. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief.
18. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.
19. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE - NO PARKING," shall be provided to the satisfaction of the Fire Chief.
20. **Hazardous Materials Storage.** This permit does not include any approval of facilities or areas on, within, or under the site to be used for the storage of hazardous, toxic, flammable, or combustible materials, and such facilities or areas are subject to review under a separate Site Development Permit.

21. **Number of patrons.** This facility shall be limited to a maximum of 700 patrons at any one time.
22. **Evening Use of Facility.** Large evening meetings (more than 150 patrons) at the church facility shall not be scheduled prior to 6:30 p.m. Monday through Friday.
23. **Anti-Graffiti.** The applicant shall remove all graffiti from structures and fence surfaces within 48 hours of defacement.
24. **Event Schedule.** The schedule of regular large church events (more than 150 patrons) may consist of services, bible study and other activities after 6:30 p.m. Monday through Friday and at all hours Saturday and Sunday and holidays. Occasional large church events, such as wedding ceremonies and funeral services, may be held during non-peak hour traffic periods Monday through Friday, provided the church notifies surrounding businesses and property owners on Alma Court at least 3 days in advance. These events would be attended by a maximum of 700 patrons. Additionally, this Permit authorizes church administrative activities and additional smaller functions that would be attended by less than 150 patrons, including meetings, luncheons, and other services to occur without time restriction.
25. **Parking Patrols.** For any church event expected to draw more than 150 patrons, the applicant shall direct church staff or volunteers to patrol, with the property owners' consent, the adjacent parking lots on Alma Court to prevent church patrons from parking illegally on non-church owned property. The patrols shall be made for the first 3 months of church operation, and thereafter annually the two weeks before and after Easter and Christmas, and for any large church event occurring on a weekday before 6:30 p.m. No parking/tow away signs shall be posted by the church to deter off-site parking.
26. **Parking Easement/Lot Combination.** Given the proposed church and parking for the church are on separate legal lots, an easement shall be recorded to guarantee the church's exclusive access to the parking. The required parking must be available to the church as long as it occupies the site, unless and until sufficient alternate parking is secured pursuant to the requirements of Title 20. In the event the church and parking parcels are owned by a common interest, the property owner shall record an approved Lot Line Adjustment to legally combine the lots.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.

2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

c: Engineering Services

John Weis, Redevelopment
Kathleen Keith, Redevelopment

207-10/AD:jb